Appl. No. 10/715,368

December 18, 2006



RECEIVED
CENTRAL FAX CENTER

DEC 18 2006

REMARKS/ARGUMENTS

Claims 1-10 stand rejected in the outstanding Official Action. However, claims 1-11 were presented in the Amendment filed June 27, 2006 and therefore Applicant questions the status of previously written independent claim 11. Applicant has amended claim 6 and therefore claims 1-11 remain in this application.

On page 2, section 1 of the outstanding Official Action, the Examiner correctly objects to line 10 of claim 6 which recited "said said" and this typographical error has been corrected in the above amendment.

In view of the Examiner's verbatim repetition of his basis for rejection of claims 1-10, Applicant herein incorporates by reference the traversal and all arguments relating thereto of the rejection of claims 1-10 contained in the Amendment dated June 27, 2006.

On page 2, section 2 through page 5, the Examiner essentially restates the rejection of claims 1-10, but ignores newly written claim 11. Applicant inquires as to whether claim 11 has been allowed or whether it was intended to be included in the rejection of claims 1-10 under 35 USC §102. Clarification of the status and statutory basis for any future rejection of claim 11 is respectfully requested.

Also, in the rejection of claims 1-10 under 35 USC §102, the Examiner appears to have incorporated the subject matter of the previous Official Action verbatim and this is believed to contain no response to the points and arguments set out in Applicant's Amendment filed June 27, 2006.

The only portion of the Final Rejection which appears to respond to Applicant's previously submitted remarks is "section 2" on page 6 of the Final Rejection which is entitled

Appl. No. 10/715,368

December 18, 2006

"Response to Arguments." The Examiner does not dispute that Applicant's independent claim 1 specifies that the "at least one further circuit" responds to a change "from a first desired data processing performance level to a second desired data processing performance level "Applicant's claim also recites that "said at least one further circuit supports data processing at at least one intermediate data processing performance level."

The Examiner now alleges that the Cooper reference discloses that in one embodiment the "performance level change the processor is in a relatively quiescent state by intercepting all interrupts" and cites column 5, lines 27-29. However, the actual quote from Cooper is "in one embodiment, performance control logic 16 ensures that processor 12 is in a relatively quiescent state by intercepting all interrupts."

The definition of the word "quiescent" is well known to those of ordinary skill in the art and Applicant includes herewith a photocopy of page 967 from Webster's Ninth New Collegiate Dictionary which defines "quiescent" as "marked by inactivity or repose: tranquilly at rest."

Claim 1 specifies first and second desired data processing performance levels, i.e., these are levels at which data processing is occurring. The claim further specifies "at least one intermediate data processing performance level" (emphasis added) which is clearly a data processing level intermediate the first and second data processing performance levels.

Accordingly, even if one of the first and second desired data processing performance levels were zero (assuming that "zero" is in fact a processing level, even though no processing is taking place) the intermediate data processing performance level (intermediate the first and second levels) could not possibly be considered zero.

NIXON & VANDERHYE PC

Thus, the claim of an "intermediate data processing level" ensures that the data processor is not quiescent or at rest as the Examiner concludes the Cooper reference teaches. Moreover, Cooper is clearly quiescent by "intercepting all interrupts." Thus, Cooper, in teaching data processing "quiescence" would clearly lead one of ordinary skill in the art away from Applicant's claimed "intermediate" processing performance level between the specified first and second data processing performance levels.

As a result, the Examiner has either ignored the distinctions set forth in the June 27, 2006 Amendment or believes that the term "relatively quiescent" somehow teaches an intermediate data processing performance level which is "intermediate" first and second desired data processing performance levels. Should the Examiner believe this is the meaning of "quiescent" by those of ordinary skill in the art, he is respectfully requested to point out how or why he believes there is any support for such meaning, especially in view of the attached dictionary definition of "quiescent."

Absent making of record any contrary definition to the word "quiescent," the Examiner's allegation that Cooper provides any teaching of a processor operating "at an intermediate performance level" is simply unsupported by the facts. Indeed Cooper, in teaching quiescence, would appear to teach away from Applicant's claimed combination of elements. Therefore, any further rejection of claims 1-10 under 35 USC §102 as being anticipated by Cooper is respectfully traversed.

Entry of the Amendment Under the Provisions of Rule 116

Entry of the above amendment pursuant to the provisions of Rule 116 is respectfully requested. The above amendment merely corrects an objection to claim 6 based upon a

Appl. No. 10/715,368

December 18, 2006

typographical error in the previous amendment to claim 6. The correction of this typographical error does not change the scope of claim 6 and therefore cannot require further consideration and/or search. This amendment to claim 6 does place claim 6 and the remaining claims in proper condition for appeal should an appeal be necessary. Further, this amendment does not add any additional claims to the application. Accordingly, entry of the amendment under Rule 116 is respectfully requested.

Another reason for entering this amendment is to require an Advisory Action which clarifies the Examiner's position regarding previously submitted claim 11 which recites the at least one further circuit as including "means for supporting data processing at at least one intermediate data processing performance level." Applicant utilized means-plus-function language which will have a different claim construction scope from that set out in independent claim 1.

Accordingly, entry of the above amendment pursuant to the provisions of 37 CFR 1.116 as well as an Advisory Action confirming such entry and the disposition of Applicant's previously submitted claim 11 is respectfully requested.

Having responded to all objections and rejections set forth in the outstanding Final Rejection, it is submitted that claims 1-11 are in condition for allowance and notice to that effect is respectfully solicited. In the event the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, he is respectfully requested to contact Applicant's undersigned representative.

NIXON & VANDERHYE PC Fax: 703-816-4100

Dec 18 2006 15:00

P. 11

Appl. No. 10/715,368

December 18, 2006

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:

Stanley C. Spooner Reg. No. 27,393

SCS:kmm 901 North Glebe Road, 11th Floor Arlington, VA 22203-1808

Telephone: (703) 816-4000 Facsimile: (703) 816-4100

to arrange or form in

lig) vi (1636) 1 a t of an argument by vibbles — quib-bler

)) 1: an evasion of Hidism

n. of kuchen cake. Ir.
weetened custard pie
s. or ham)
fr. larraine. fem. of
ing cheese and crisp

ON kwice living, I. Zo. 1 archaic : nor 1 g with speed: as a mencully seed and keen of y (control of the control of the contro : having a sharp

7: having a sharp length of season acquired power an acquired power for instant response tratts —F. H. Garse (reading maketh on) Art stresses the latent, or a strong le (an apr student) idition fast of Scand origin; a painfully sensitiant or toernail) b tank) e; the very

and other current

g agent (as baking ng of the dough or

min\ vt (14c) 1 a mny vi (14c) 1 a
ed: STIMULATE 2
stely 3: to make
4 a: to make (a
i 1: to quicken
a phase of active 3: to reach the : to shine more to become more

to occome more
hart a
ke alive or lively,
ssp. in sumething
r vicality to what
lius that arquises
ag or energizing
one

ion to a problem

e in a hurry second, or third tesigned to take

or CaO that is great heat and

lizing in shorts

o which heavy

u. accompany.

: IRASCIELE : steps each 30

prion and un-

rte (1688) ; #

Aquid n [E diat., cud. fr. ME quide. fr. OE cuidu — more at CuD] (1727) i a cut or wad of something chewable quidediry 'lawid-ac-6' n. pi -the [ML quidding essence. fr. l. quid what, oct., of quis who — more at who] (1539) I a: a trifing point to be of the type that it is: ESSENCE quideane 'swid, annk' n [L quid nunc what now?] (1709): one who serks to know all the latest news or gossip: susyspony quid pro quo \(\text{Lawid}\), pro-\(\text{Lawid}\), n [NL something for something given or received for something else quid-exence \(\text{Lawid}\), which is a constant of the quid the constant of the con

is something given of received for something cive quidescence \kwi-\cos^0(1)s, kwi-\n (1631): the quality or state of being quiencent.

guidescent \-\n\1 and [L quiescent. quiescents prp. of quiescent to become quiescent \-\n\1 and [L quiescent. quiescent prp. of quiescent \-\n\1 and [L quiescent quiescent quiescent \-\n\1 and [L quiescent quiescent quiescent] and \-\n\1 and \-\n\1

Bril (ca. 1828): Quiet quietism (1687) 1 3: a system of religious mysticism teaching that perfection and spiritual peace are arthined by annihilation of the will and passive absorption in contemplation of God and divine Itimgs b: a passive affective in contemplation of God and divine Itimgs b: a passive withdrawn artitude or policy toward the world or worldly affairs 2: a state of calminess or passivity—quietistic (kwi-zi-fi-cik) adj quietismde (kwi-zi-ty)ltin n [MP. fr. LL quietuda fr. L quietus] (1597): a quiet state: nercose quietis (kwi-zi-zi-zi) n [ME quietus st. fr. ML he is quit. formula of discharge from obligation] (1340) 1; final settlement (as of a debt) 2: removal from activity: exp: DEATM 3: something that quiets or regresses

come quining water n (1953): a carbonated beverage flavored with a small amount of quining ieroop, and lime

quid • quire

quinto \(\lambda\) \(\lambda\)

weight 2: a unit of weight equal to 100 Rilograms (about 220.10 pounds)
quint-tes-sense (kwin-'tes-hi(t)s\ n [ME. ir. MP quinte extence fr. ML quinte extence lit. fifth easence] [15c) 1: the fifth and highest element in ancient and medieval philosophy that permeates all nature and ment in ancient and medieval philosophy that permeates all nature and thing in its purest and most teochemitated form 3: the essence of a example or representative—quintese form 3: the roots (typical) quinter also quintered (win-test n [quinter fr. it quinter) [170] 1: a musical quinter also quintered (win-test n) [quinter fr. it quinter fr. it absisted from a musical or set of five as a: the performers of a quinter fr. a basischalt fear quinter fr. it absisted from a polynomial or a polynomial equation of the fifth degree

of five identical copies 2: five copies all alike used with In (typed in ~)

***aquin-tu-pli-cate \-plo-kat\ vi -cated; -cating (cs. 1890) 1: to make quintuple of fivefold 2: to prepare in quintuple actively in [cs. 1890] perh. fr. quippy indeed, to be sure (often ironical). It quid what — more at OUDOTT! (1832) 1 a: a clever usu, taunting temark: GIBE b: a witty of tunny observation or response usu, made on the sput of the informent 3: OUBBLE SOLVINGATION 3: something strange, droll, cubous, or eccentric: ODOTTY 277 sequence of a standard quipped quipping of (1379): to make quipp: GIBE ~ W: to gain on the chipping of (1379): to make quipp: GIBE ~ W: to gain on the chipping of (1379): to make quipp: GIBE ~ W: to gain on the chipping of (1379): to make quippil (1704): a device made of a main cord with smaller varicolored cords attached and knotted and used by the ancient Peruvlans (as for calculating) agoire \text{kwfln'x} [ME quade four sheets of paper folded once collection of sheets fr. MF quader, fr. (assumed) VL quadernum, alter, of L quadernif four code, set of four — more at OUATERNION] (150): a collection of 24 or sometimes 25 sheets of paper of the same size and quality quire var of Choir

10) abut 19 kitten. F table 101 forther 101 ash 151 ace 161 cor. cont July out 1ch letter 1cl easy 181 go 11 hit 1/1 ice 1/1 job /// yet /zh/ vixion /i. k. ", c. & L. C. "/ see Guide to Pronunciation